IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 13712 of 2006(G)

PETITIONER:

N.SARADA, W/O. A.GOPALANKUTTY,
NEELANCHERY HOUSE, KIZHAKKUMPURAM P.O.,
MANNUR, PALAKKAD DISTRICT.

BY ADV. SRI.T.K.CHINNAN
SRI.B.K.PURUSHOTHAMAN

RESPONDENTS:

---

1. STATE OF KERALA, REPRESENTED BY
THE DEPUTY DIRECTOR OF EDUCATION,
PALAKKAD.

2. THE ASSISTANT EDUCATIONAL OFFICER,
PARLI, PALAKKAD.

3. M.V.NARAYANKUTTY @ DR. N.K.WARRIER,
451, NETAJI ROAD, NEAR TRICHY CAFE,
ERODE-1, TAMILNADU.

BY ADV. SRI.P.R.RAMACHANDRA MENON
SRI.RAJI.T.BHASKAR
SRI.P.R.RAMACHANDRA MENON
SMT.M.N.UMARANI
GOVT. PLEADER SMT.M.R.SREELATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETIITONER'S EXHIBITS

Ext.P1: Photocopy of appointment order dated 30.7.1996 issued by 3rd respondent.

Ext.P2: Photocopy of petition dated 30.7.1996 filed by 3rd respondent before 2nd respondent for approval of appointment of the Manager.

Ext.P3: Photocopy of order dated 2-12-96 approving the appointment of the petitioner as Manager .

Ext.P4: Photocopy of sale deed dated 31.8.1996 executed by M.V.Sasikumar.

Ext.P5: Photocopy of basic tax receipt dated 11.3.1997 issued by Parli I village.

Ext.P6: Photocopy of basic tax receipt dated 24.9.2004 issued by Parli I village.

Ext.P7: Photocopy of basic tax receipt dated 22.2.2006 issued by Parli I village.

Ext.P8: Photocopy of order dated 4.5.2006 issued by 2nd Respondent.

Ext.P9: Photocopy of plaint-O.S. No.65/2007 of the Munsiff Court Palakkad dated 10.1.2007 filed by petitioner.

Ext.P10. Photocopy of Injunction Order passed by the Munsiff Court in I.A. 280/2007 in O.S. No.65/2007 dated 12.1.2007

Ext.P11: Photocopy of Cover with postal receipt addressed to R3.

Ext.P11(a): Photocopy of Postal acknowledgement Card

Ext.P12: Photocopy of Affidavit filed by 3rd Respondent in O.S. 65/2007 of the Munsiff Court Palakkad on 2.4.2007.

//True copy//

es

A.K.BASHEER, J.

W.P.(C)No.13712 OF 2006

Dated this the 9th day of August, 2007

JUDGMENT

Petitioner claims the right of management of Aided Lower Primary School, Kinavallur at Parli in Palakkad District. The primary prayer in the writ petition is to declare that the petitioner is the manager of the said school. Petitioner has also impugned Ext.P8 order dated May 4, 2006 passed by the Assistant Educational Officer, Parali, by which the appointment of respondent no.3 as the manager has been approved.

2. If the petitioner is aggrieved by Ext.P8 order, he has to necessarily take recourse to the statutory remedy available to him. If the petitioner prefers an appeal against Ext.P8 order within three weeks from today, the appeal shall be entertained by the appellate authority ignoring the delay, since the petitioner had been prosecuting this writ petition immediately after receipt of Ext.P8 order.

3. The appellate authority shall take a decision in the matter strictly on its merit and in accordance with law, after hearing the petitioner, respondent no.3 and all others who are likely to be interested in the affairs of the school. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before the appellate authority for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

jes